

**IN UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

<b>UNITED STATES OF AMERICA</b>	)	<b>CASE NO.: 1:17-CR-00542-JRA-1</b>
	)	
	)	<b>JUDGE: JOHN R. ADAMS</b>
	)	
<b>vs.</b>	)	
	)	<b><u>SENTENCING MEMORANDUM</u></b>
	)	
<b>GWENDOLYN DUBOSE</b>	)	

Now comes Defendant, Gwendolyn Dubose, by and through her undersigned counsel, Joseph C. Patituce of Patituce & Associates, LLC, who hereby submits this Sentencing Memorandum setting forth factors for the Court’s consideration in determining an appropriate sentence that is sufficient but not greater than necessary to comply with the statutory directives set forth in 18 U.S.C. 3553(a).

Defendant further moves this Honorable Court to consider the following factors in determining an appropriate sentence that is sufficient but not greater than necessary to comply with the statutory directives set forth in 18 U.S.C. 3553(a). The overriding purposes of sentencing are “to reflect the seriousness of the offense, to promote respect for the law, and to provide just punishment for the offense,” “to afford adequate deterrence to criminal conduct,” “to protect the public from further crimes of the defendant,” and “to provide the defendant with needed educational or vocational training, medical care, or other correctional treatment in the most effective manner.” 18 U.S.C. 3553 (a)(2).

In this case, the purposes of 18 U.S.C 3553 will be served by imposing a sentence based on the plea agreement. This Honorable Court should consider the imposition of the minimum sentence necessary to achieve goals of sentencing anticipated by application of § 3553(a) of the Federal Sentencing Guidelines Manual. A minimum sentence based on the plea agreement will provide just punishment for the offense and will serve as an adequate deterrent for any future criminal conduct. A

minimum sentence based on the plea agreement will also protect the public from further crimes of Defendant and will provide Defendant with necessary medical care in the most effective manner.

Defendant has a number of mitigating factors that support a minimum sentence based on the plea agreement. Defendant has lived a law-abiding life outside of the current offenses. Since the pendency of this matter Defendant has been out on bond and under pre-trial supervision. Defendant has demonstrated her ability to be monitored by this Honorable Court. Furthermore, Defendant has maintained a law-abiding life and has not committed any new offenses during the pendency of this action.

Defendant has maintained a steady job since 2012. Defendant is currently employed by Tremco Inc., and loves the work that she is doing, which is illustrated through her determination and strong work ethic. Defendant intends to work for at least another ten years. Defendant is currently married and has a ninety-eight-year-old mother who is fully dependent upon her. Defendant's mother has various medical issues that require constant assistance. Defendant's mother can barely walk on her own because of her arthritis and has been diagnosed with Chronic Obstructive Pulmonary Disease (COPD). The care of the mother has been fully placed on Defendant, whom she also helps support financially. As a direct result of these charges, Defendant's ability to work with Tremco Inc. will be impeded and her ability to support her elderly mother will be hindered if she were to be subjected to a substantial period of incarceration.

A minimum sentence based on the plea agreement would also be an adequate punishment for the underlying offenses. Defendant will have certain restrictions to comply with if there is a minimum sentence based on the plea agreement. These restrictions will likely cause significant hardships but will be sufficient to demonstrate to Defendant that her conduct is not tolerable, thus deterring future crime. Defendant has been overwhelmed by the humiliation, loss of income, and damage her actions

have caused her family. This, in and of itself, is an incentive for Defendant to remain a law-abiding citizen from this point forward. A minimum sentence based on the plea agreement will also allow Defendant to maintain employment so that she can repay restitution. It is anticipated that a large amount of restitution will be ordered in this case. If Defendant were to be sentenced to a significant period of imprisonment, she will lose the ability to pay restitution.

Strict monitoring while serving a minimum sentence in the plea agreement will also protect the public from future criminal conduct. Defendant has already demonstrated that she is amenable to monitoring by this Honorable Court and she has not had any underlying issues.

A minimum sentence in the plea agreement will also provide Defendant with necessary medical care in the most effective manner. Defendant continues to have ongoing medical issues. Defendant has a condition called Venous Stasis in her left leg and she must keep her leg elevated to avoid blood clots. Additionally, Defendant has an ulcer in that same leg, and if not provided with the proper care, it can open and cause a skin graft. Further, Defendant is still being treated for glaucoma. A minimum sentence will ensure that Defendant receives the appropriate medical care. As a result, Defendant will be able to successfully manage her health and will be able to maintain a healthy lifestyle. Overall, a minimum sentence in the plea agreement will ensure that Defendant remains employed so that restitution can be paid, her elderly mother will be taken care of, and will ensure that Defendant is compliant with the terms of her supervision and the law.

WHEREFORE, for the reasons set forth herein, and after hearing from the Defendant at the time of sentencing, Defendant prays this Honorable Court consider a just punishment and impose a minimum sentence in the plea agreement that will not take Defendant away from her family for a substantial amount of time, nor inflict punishment greater than necessary in this case.

Respectfully submitted,

**PATITUCE & ASSOCIATES, L.L.C.**

/s/ Joseph C. Patituce

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**CERTIFICATE OF SERVICE**

I hereby certify that a true copy of the foregoing Sentencing Memorandum has been forwarded to all parties via the clerk's office electronic filing on the 20<sup>th</sup> day of July, 2018.

/s/ Joseph C. Patituce  
Joseph C. Patituce (#0081384)